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(Continued.)

The Case Against Robert Strickland. GENTLEMEN of the jury, began the prosecutor dramatically, "this case is a very simple one. The facts, as they have appeared from time to time in the newspapers, are no doubt familiar to all of you. I shall outline very briefly the circumstances which will be put into evidence. Mr. Gerald Trask, as you know, was a prominent banker of this city. He was a distinguished member of the community and occupied important places in the social and financial world."

"Among Mr. Trask's acquaintances was Robert Strickland, the defendant



David Arbuckle, Chief Counsel for the Defense.

At the time they became acquainted Strickland was a rather prosperous business man, and he and Mr. Trask met frequently. Some months ago Strickland began to have business troubles. The cause of these difficulties does not concern us. But what does interest us, gentlemen, is that Strickland, becoming more and more involved, found it necessary to go to his friend, Gerald Trask, for financial assistance.

"Mr. Trask responded with his habitual generosity and promptly loaned Strickland \$10,000, taking the latter's note as security. But Strickland's business didn't improve, and he decided to migrate to the west. The note was payable on June 22, two days before the murder."

"When the 22d arrived Strickland was in Cleveland, O., making arrangements for himself and family. He returned, however, on the 24th, the night of the murder, sent for Mr. Trask and took up the note. I call your attention to the fact, gentlemen, that Strickland paid the debt in cash. He was a business man. He did not pay it in check or draft, but cash! Ten thousand dollars in cash!"

"Mr. Trask had offered to let the loan stand until Strickland was on his feet again, but Strickland would not hear of it. You will understand his eagerness to cancel the debt in a moment, gentlemen. It was because he had evolved a little plan whereby he could wipe out the obligation without it costing him a cent. The scheme was simple enough, gentlemen. He knew that Mr. Trask would have to keep ten thousand in his house overnight and that he would almost certainly lock it up in the safe in the library. And what is more, gentlemen, he knew the combination to Mr. Trask's safe. Bear in mind that only two people knew the combination to that safe—Mr. Trask and Strickland."

"The prosecutor's voice had risen to pitch marked by tones of bitter denunciation."

Gray was plainly strong for oratorical effect.

"But Strickland hadn't the nerve to do the job alone, so he called in his assistant. Accordingly he and his accomplice entered Mr. Trask's house a few hours after Strickland had paid over the money. The accomplice went to work on the safe and Strickland stood guard. The burglar succeeded without much difficulty in opening the safe and extracting the \$10,000, while Strickland superintended the job. Before they could escape, however, they were interrupted first by Mrs. Trask and then by her husband. The accomplice made a hasty exit, taking the plunder with him. That was the last that was heard of the accomplice, gentlemen. Who he is or where he went we have been unable to learn." Now Gray was literally shrieking.

"But Mr. Strickland was caught red handed, and, believe me, gentlemen, that dead men tell no tales, he shot and killed Mr. Trask in cold blood."

"There you have the story, gentlemen. Mrs. Trask, the widow of the murdered man, will tell it to you in detail. Her testimony will be corroborated by Mr. Glover, Mr. Trask's

secretary, thanks to whose bravery the assassin was disarmed and captured, and who gave us material assistance in linking up the chain of evidence against him."

"Not one of the acts is disputed. Strickland, realizing the futility of interposing a defense, has refused."

Arbuckle rose hastily.

"I object to that," he cried to the court.

"Counsel will not interrupt," ordered the judge.

Dismore.

"Strickland, I say," went on Gray, "has refused to make any effort to defend himself. When he was arraigned."

Arbuckle broke in again.

"I object to that."

"Counsel will not interrupt," repeated the judge.

Gray continued:

"When he was arraigned, he pleaded guilty to the indictment of murder in the first degree; perhaps, gentlemen, you ask, if this is so, why are we here? Why is the county put to the expense of the trial? An expense which we taxpayers must meet in the end. 'Why must you business men be taken from your occupations—be compelled to lose your valuable time?'"

"Why is not the penalty allotted to murderers inflicted upon the defendant? And in answer to that I say to you because, gentlemen, the state is jealous of the lives of her citizens. To her the existence of an individual is sacred no matter if he be depraved, degenerate, possessed of criminal instincts, dangerous to society. She will not allow even a self-confessed murderer to be put to death until twelve of his fellow citizens sitting in solemn judgment calmly, dispassionately hearing and weighing the facts, have decreed that that man shall suffer the consequences of his crime. That is why we are here today, gentlemen."

"That is why his honor has assigned such distinguished counsel to defend Strickland, and that is why before we ask you to visit upon this defendant the punishment he merits we shall by the unimpeachable testimony of eye-witnesses convince you of his guilt before the penalty is inflicted."

"Unfortunately his partner in crime has made good his escape. But the greater criminal is in our hands, gentlemen."

"We can make him pay the penalty of the law. I shall take up no more of your time. The facts will speak for themselves."

Gray seated himself, mopping perspiration from his forehead.

Arbuckle calmly and dispassionately opened for the defense.

"Gentlemen of the jury, when his honor assigned me to the defense of this case it seemed to me that the prosecution's theory was untenable," he began. "I knew Mr. Strickland by reputation, and I scouted the burglary hypothesis. This belief strengthened as I became better acquainted with Mr. Strickland. A man of superlative honor and integrity, equipped with a splendid mentality and an excellent reputation, not addicted to bad habits or expensive luxuries, devotedly attached to his wife and child—that is not the sort of man who breaks into his friend's house for the purpose of theft."

"The case seemed to me to be not nearly so clear and simple as my friend, Mr. Gray, makes it out to be. But despite my certainty that there lurked a mystery in this grim affair I could learn nothing that would aid me in substantiating my belief. As my friend has told you, Mr. Strickland has maintained throughout an obstinate, unbreakable silence. In all my years at the bar, gentlemen, I have never encountered any one who has declined so resolutely to yield to persuasion. Threats, entreaties and logic alike have left him indifferent." Arbuckle stepped up and leaned over the jury box.

"At last I reached the conclusion that Strickland was shielding some one, most likely the unknown accomplice

who assaulted Mrs. Trask and broke open the safe. In the hope of learning the identity of this man and if possible Strickland's motive in shielding him I endeavored to locate the members of Strickland's family."

"Judge of my surprise, gentlemen, when I learned that the defendant's wife had disappeared from home on the night of the tragedy and has not since been heard from. All my attempts to find her have been fruitless. I have been forced to believe that she took her life. I did succeed in finding Doris, the little daughter of the defendant. When you have heard her story, gentlemen, you will agree with me that to send Strickland to his death would be a gross miscarriage of justice. That is all for the present, gentlemen."

Arbuckle resumed his seat at the counsel table.

During these proceedings the defendant, Strickland, showing by his pallor the effect of his incarceration in the Tombs prison, across the way, awaiting trial, had sat watching every move of the legal luminaries on both sides. At times his hands clinched nervously and he made pronounced efforts to swallow again the muscles about his eyes contracted tautly. He was suffering acutely.

Yes, he was suffering as only can a man of education and refinement, one time head of a happy, prosperous home, who suddenly awakes as from a hideous nightmare to find himself in the greivous predicament now confronting him.

Suddenly, to the amazement of all present, as Arbuckle concluded, the accused sprang to his feet. Before his counsel could restrain him the prisoner cried hysterically, with outstretched arms:

"Your honor, I won't have it. I won't have my little girl dragged into this case. I've pleaded guilty, I'm willing to suffer the consequences."

Judge Dismore replied calmly:

"Your case is in the hands of your counsel. Be silent and be seated."

"I don't want counsel. I have no defense. Why don't you sentence me? Why—why"—he shrieked. He sat down, sobbing bitterly, as the judge banged his gavel.

CHAPTER III.

A Vision of the Past.

AFTER the court had settled down again to its grim duty, following the wild outburst of Strickland, the judge ordered the district attorney to proceed.

He called for Mrs. Trask after the death of Mr. Trask had been formally proved. Every head in the courtroom bent forward eagerly and curiously to get a view of the handsome widow of the slain man.

"Mrs. Trask, will you kindly take the witness chair?" directed Gray.

"Raise your right hand, please," ordered the clerk. "Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?"

"I do," was the answer in deliberate tones.

"What's your name?"

"Joan Trask."

"Mrs. Trask, are you the widow of Gerald Trask?" now continued the prosecutor.

"Yes, sir."

"How long were you married to Mr. Trask?"

"Almost fifteen years."

On all sides were made whispered comments as to the thoroughly cool and self collected bearing of this, the chief witness against the now famous prisoner. They will never shake her testimony on cross examination," it was generally agreed.

The same idea was entertained by Gray, and he proceeded confidently, almost militantly, in manner, with his questions which were to settle the fate of Robert Strickland.

"Do you remember the night of June 24, 1915, Mrs. Trask?"

Without hesitation, but with drooping eyes, she answered:

"Indeed I do."

"Where were you on that evening?"

"I had been dining out with friends in the city."

"What time did you arrive home?"

"About half past 8, Mr. Gray."

The prosecutor paused momentarily, as though to emphasize the effect of his next query. He gazed with significance in his expression along both rows of men in the jury box and then went on:

"Now, Mrs. Trask, I want you to describe to the court and jury everything that occurred after you arrived home on that night."

The woman now seemed for the first time to realize just how gravely serious was the melodrama. A flood of heart-breaking memories surged through her brain, tinged at her very heartstrings, shook her with emotion.

That night—that night of June 24—that fatal night! She turned appealingly to the judge, but received no pity. She must answer the question and do as she had sworn to do—"tell the whole truth."

(To Be Continued.)



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(To Be Continued.)

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